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May 20, 2006

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED: "ROTATING OR ROTATABLE SPECTROSCOPIC ELLIPSOMETER SYSTEM INCLUDING MULTIPLE ELEMENT LENSES";  
SERIAL NO.: 10/829,620;  
FILE DATE: 04/22/2004;  
ART UNIT: 2877;  
EXAMINER: ISIKA O. AKANBI.

Dear Sir;

I am in receipt of an Action dated 03/07/06 regarding the identified Application.

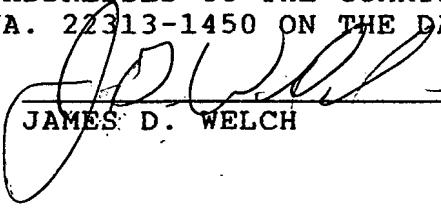
The Examiner has Rejected Claims 1 - 15 based on a Patent to Aspnes, No. 5,973,787 under Section 102. It is generally questioned if Section 102 is the appropriate Section to apply in view of the fact that the 787 Patent does not describe how to eliminate elements in the invention disclosed thereby to arrive at a Present Invention as Claimed.

Applicant draws the Examiner's Attention to the Originally submitted Claim for Priority submitted with the Application and Claims Priority back of the Aspnes et al. 787 Patent and strongly suggests that the Examine become familiar therewith.

Further, while not felt necessary in vie of existing Priority behind the 787 Patent, Applicant also responds by showing said Aspnes et al. 787 Patent does not teach the present invention, but, for instance includes limitations the Present Application specifically avoids.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.

  
JAMES D. WELCH

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DATE